

REMARKS

Claims 18, 20, 23-26 and 31-36 are pending in this application. By this Amendment, claims 18 and 20 are amended. No new matter is added.

The Office Action rejects claims 18, 20, 23-26 and 31-35 under 35 U.S.C. § 112, first paragraph, as not being sufficiently described in the specification. This rejection is traversed.

The Patent Office asserts that the specification does not provide support for method claims since the original claim 6 “recites morning stiffness, painful and swollen joints loss of grip strength, and pain, depends from claim 5, which recites only rheumatoid arthritis (*sic*)” (page 5 of the Office Action). This assertion is incorrect as claim 5 is not limited to rheumatoid arthritis but rather refers to “**symptoms associated with** rheumatoid arthritis” (emphasis added)

As the specification clearly supports the invention as claimed, reconsideration and withdrawal of the rejections of claims 18, 20, 23-26 and 31-35 under 35 U.S.C. § 112, first paragraph.

The Office Action rejects claims 18, 20, 23-26 and 32-35 under 35 U.S.C. § 102(b) as anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as obvious over Toshihide et al. The Office Action rejects claims 18, 20, 23-26 and 31-35 under 35 U.S.C. § 102(b) as anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as obvious over Pettersson et al. These rejections are traversed as they may apply to the above-amended claims.

The Office Action asserts that the step of “identifying” is inherent in the cited references. Applicants have amended the claims to define that the present invention

requires identifying that said patient that suffers from morning stiffness, loss of grip strength, painful joints, or swollen joints, has, after said treatment period in comparison to before said treatment period, a lower level of morning stiffness, loss of grip strength, painful joints, or swollen joints or identifying that the erythrocyte sedimentation rate or C-reactive protein level in said patient has been ameliorated.

The references do not teach or suggest a step of making such an identification.

For at least the above reasons, reconsideration and withdrawal of the rejections of claims 18, 20, 23-26 and 32-35 and of claims 18, 20, 23-26 and 31-35 under 35 U.S.C. § 102(b) or 35 U.S.C. § 103(a) are respectfully requested.

Applicant respectfully submits that this application is in condition for allowance and such action is earnestly solicited. If the Examiner believes that anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below to schedule a personal or telephone interview to discuss any remaining issues.

In the event this paper is not considered to be timely filed, Applicant respectfully petitions for an appropriate extension of time. Please charge any fee deficiency or credit any overpayment to Deposit Account No. 01-2300, making reference to Attorney Docket No. 108214-07002.

Respectfully submitted,

A handwritten signature in cursive script, reading "Robert K. Carpenter", written in black ink. The signature is fluid and extends to the right with a long horizontal stroke.

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